



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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No. 622 Dispur, Friday, 2nd September, 2022, 11th Bhadra, 1944 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
TRANSPORT DEPARTMENT

NOTIFICATION

The 25th August, 2022

No. TMV.35/2021/122.- The following certain rules further to amend the Assam Motor Vehicle Rules, 2003, hereinafter referred to as the principal Rules, which the Governor of Assam proposes to make in exercise of the powers conferred by section 96 and section 207 of the Motor Vehicles Act, 1988 (Central Act No. 59 of 1988) is hereby published as required under sub-section (1) of section 212 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said rules shall be taken into consideration after the expiry of a period of 15 days from the date of publication of this notification in the Official Gazette.

Any objections and suggestions which may be received from any individual or organisations with respect to the said rules before the expiry of the period specified above shall be considered by the Governor of Assam.

Objections and suggestions, if any, may be sent to the Secretary to the Government of Assam, Transport Department, Janata Bhawan, Dispur, Guwahati-06.

RULES

Short title
and commencement

1. (1) These rules may be called the Assam Motor Vehicle (Amendment) Rules, 2022.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Insertion of rule 109 A

2. In the principal Rules, after rule 109, the following new rule 109A shall be inserted namely:

"109A. (1) Any officer of the Transport Department not below the rank of Enforcement Inspector and Motor Vehicle Inspector or Police officer not below the rank of Sub-Inspector shall be authorized to seize, impound and detain the vehicles violating the provisions of section 207 of the Motor Vehicle Act, 1988 and rules made thereunder and any other applicable law and rules for this purpose and the Officer may take or cause to take any steps considered proper for the temporary safe custody of the vehicle:

Provided that where a motor vehicle has been seized, impounded and detained,

- (i) the owner of the motor vehicle or his authorized representatives may apply to the Transport or Police authority concerned together with the relevant documents for the release of the vehicle within 7 (seven) days from the date of seizure of the vehicle after disposing the offence case for which the vehicle has been seized by paying necessary tax, penalty etc. as imposed by the seizing officer as per the Act and rules made thereunder,
- (ii) in case the owner or his authorized representative of seized vehicle or his authorized representatives does not approach the office of the seizing officer to release the vehicle even after elapsing of 7 (seven) days of time from the date of seizure, notice shall be served by the seizing officers to the registered owner of the vehicle by registered post only with a copy marked to the Financer of the vehicle, if any, to release the vehicle immediately informing that the vehicle shall be sold in auction, if, the owner fails to approach the authorised office even after elapsing of 90 days from the date of seizure. He shall also intimate the fact of seizure to the Original Registering Authority in the case of a transport vehicle;
- (iii) if the owner or his authorized representatives does not approach office even after elapsing of 30 days of time from the date of seizure, same reminder notice shall be served to the registered owner by registered post only with copy marked to the Financer of the vehicle, if any, after a period of 30 days and 60 days respectively, where required, from the date of seizure;
- (iv) where the owner of vehicle or his authorized representatives does not approach the office to release the vehicle after disposing the offence case by paying necessary tax, penalty etc. for which the vehicle is seized even after elapsing of 90 days of time from the

date of seizure and after serving at least 3 (Three) notices by the seizing officer after a period of 7 days, 30 days and 60 days respectively from the date of seizure by registered post only with copy marked to the Financer of the vehicle, if any, as per clause (ii) and (iii) mentioned above, an officer not below the rank of Superintendent of Police of a District or District Transport Officer or any officer authorized by Government shall initiate the proceeding of auction of such seized vehicles, with proclamation of intended sale be issued in at least 2 two leading newspapers of English and Assamese language with the following information,

- (a) the place and time of sale;
- (b) the description of the vehicle intended to be sold;
- (c) the amount of recovery of which the auction is ordered;
- (d) such other particulars as the authorized officer consider for a purchaser to know in order to judge the nature and value of the vehicle.

A copy of such proclamation shall be affixed on a conspicuous place on the vehicle and on the notice boards of the office of the authorized officer and the office of the Original Registering Authority by whom the permit was issued in the case of transport vehicle.

- (2) For the purpose of this auction, a Standing Committee for Auction of vehicle shall be set up permanently in all Districts with the following members, namely:

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| (i) Deputy Commissioner | - | Chairman |
| (ii) Superintendent of Police | - | Member |
| (iii) Treasury Officer/FAO | - | Member |
| | | Secretary |
| (iv) District Transport Officer | - | Member |
| (v) Any other member that may be nominated by the Government of Assam, Transport Department. | | |

The above Standing Committee shall meet and start the process of auctioning of such vehicle as per applicable rules and regulations within 7 (Seven) days upon receipt of proposal for auctioning of vehicles by the Superintendent of Police or District Transport Officer or any officer authorized by Government. The procedure of the auction of such seized vehicles shall be in the following manner, namely:-

- (i) The Superintendent of Police or District Transport Officer of the location, as the case may be, where the

motor vehicles is seized or detained shall be the authorized officer to sell such seized or detained motor vehicle in auction as empowered by the Standing Committee for Auction of the District through its Minutes of Meeting.

- (ii) If the vehicle is not released within the stipulated period of 90 (Ninety) days from the date of seizure and after considering the claims and objections, if any received, the authorized officer shall proceed to sell the vehicle in public auction after passing a self contained order.
- (iii) If at any time before auction of the motor vehicle, the tax penalty or cost incurred, if any, in arranging the auction of the motor vehicle, is paid, then the authorized officer may, after satisfying that all the dues as aforesaid have been fully paid, cancel the auction and return the motor vehicle to the registered owner or the person having possession or control of the vehicle at the time of seizure.
- (iv) The authorized officer may in his discretion adjourn the sale to a specific day and hour recording his reasons for such adjournment, provided that where the sale is adjourned for a longer period than 30 (thirty) days a fresh proclamation shall be made.
- (v) 25 (Twenty five) percent of purchase money shall be paid within 7 (seven) days from the date of sale. In default of making such payments, the vehicles shall be sold to the next highest bidder.
- (vi) On payment of purchase money, the authorized officer shall issue a receipt for the same and the sale shall become absolute. He shall also cause the vehicle to be delivered to the purchaser.
- (vii) No officer or other person having any duty to perform in connection with the sale under this rule shall either directly or indirectly bid or acquire or attempt to acquire any interest in the vehicle to be sold.
- (viii) If the vehicles is fit or fit to ply on road after repairing, it can be auctioned to the highest bidders with intimation to the original Registering Authority. The amount realized from such auction of vehicles shall be used for payment of required Government dues or other dues against the said auctioned vehicle after necessary payment be made in the process of auction including the cost of newspaper advertisement. In case, the amount realized from the auction proceeding of defaulting vehicle is more than the payable Government dues by the owner, the excess amount

shall be kept in treasury with notice to be served by registered post only to the registered owner of the vehicle to claim the excess within 90 days, failing which, it shall be lapsed in Government Exchequer:

Provided that if the amount is lower than the payable Government dues by the owner and the expenses incidental to the sale of the vehicles, the authorized Officer shall furnish a certificate of recovery for the deficit amount of the tax due as an arrears of land revenue to the Collector or Deputy Commissioner of the District where the vehicle owner resides with intimation to the original Registering Authority to invoke Revenue Recovery Mechanism of the Assam Motor Vehicle Taxation Act, 1936 for realizing the arrear dues minus the amount realized from the auction of the vehicle:

Provided further that in case the seized vehicle is no more fit to ply on road and condemnable as per report of Motor Vehicle Inspector or any authorized testing stations, such vehicle can only be handed over to the Registered Vehicle Scrapping Facility (RVSF) for scrapping by the Standing Committee of the District with intimation to the Original Registering Authority and the revenue realized as per market rate of scrapping value shall be deposited to the Government Exchequer. If two or more Registered Vehicle Scrapping Facility (RVSF) apply for purchasing the unfit vehicle for scrapping, such condemnable and unfit seized vehicle shall be handed over to the highest bidding Registered Vehicle Scrapping Facility for scrapping through auction with intimation to the original Registering Authority:

Provided also that in such cases where any unfit seized vehicle is handed over to the Registered Vehicle Scrapping Facility (RVSF) for scrapping, no "Certificate of Deposit" as per Registered Vehicle.

Scrapping Facility (RVSF) guidelines of the Ministry of Road Transport and Highways (MORTH) to avail Government incentive/subsidy for buying a same category of vehicle can be claimed by the owner of the vehicle under any circumstances in future."

ADIL KHAN,

Secretary to the Government of Assam,
Transport Department.